

December 8, 2009



TRANSCRIPT

December 8, 2009

MONTGOMERY COUNTY COUNCIL

PRESENT

Councilmember Nancy Floreen, President

Councilmember Valerie Ervin, Vice President

Councilmember Phil Andrews

Councilmember Marc Elrich

Councilmember George Leventhal

Councilmember Duchy Trachtenberg

Councilmember Roger Berliner

Councilmember Michael Knapp

Councilmember Nancy Navarro



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1 COUNCIL PRESIDENT FLOREEN:

2 Good morning. We welcome everyone to the last Council session of 2009, and we'll start
3 with an invocation from the Reverend Roger Fritts of Cedar Lane Unitarian Universalist
4 Church in Bethesda, my personal minister, and I know that Phil and his family have long
5 been associated with this same church, so-- come on up, Reverend Fritts.

6
7 REVEREND ROGER FRITTS:

8 Nancy, I don't know if you know this, but in the 19th century, the Unitarian minister in
9 Washington, DC was also the chaplain to the Senate, and when asked about what it was
10 like to give the invocation before the beginning of a Senate session, he would say, "Well, I
11 look out on the Senators, and I pray for the country." It's a true story, and it's funny, but,
12 you know, at the time, it wasn't, because it was the 1850s. He really meant it. Spirit of life,
13 in whom we live and move and have our being-- in this place, we have many feelings. In
14 this room, we have feelings of ambition, the desire in all of us to be successful, to feel that
15 our parents, our partner, our children will be proud of us. In this room, we have feelings of
16 temptation--temptations of status and power. In this room, we have feelings of fear--the
17 fear of losing, the fear of making a mistake, the fear of what others will think. In this room,
18 we have feelings of frustration--frustration because we do not always agree, frustration
19 with the rules and the processes of working together. And in this room, we have feelings
20 of excitement--the excitement that comes from debates, from working with others, from
21 trying to achieve a greater good. Humans were created to be ambitious, to be tempted, to
22 be fearful, frustrated, excited creatures. And we were also created as creatures who can
23 love, and in this room, at the core of all of us, is the capacity to love each other. When we
24 are at our best, we move beyond ambition and temptation, we calm our fears and our
25 frustrations, and we remember the rule of love found in every great religion:
26 do unto others as we would wish them to do unto us. I humbly ask the power of creation,
27 known by many names, to give us all the strength and the wisdom to live today and each
28 day by treating others with respect, with dignity, and love. In the name of all that is holy, I
29 pray. Amen.

30
31 COUNCIL PRESIDENT FLOREEN:

32 Thank you, Reverend Fritts. OK. General business--agenda and calendar changes. Miss
33 Lauer.

34
35 LINDA LAUER:

36 The Council announcing its public hearing on the Kensington and Vicinity Sector Plan for
37 February 2 at 7:30 P.M. Those are all the changes, but we did--but we did receive 3
38 petitions this week, one opposing the--requiring a disclaimer for pregnancy resource
39 center. I'm sorry, two of them for opposing the disclaimer, and then a third one supporting
40 the disclaimer. Thank you.

41
42 COUNCIL PRESIDENT FLOREEN:



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1 Thank you very much. Next item on the agenda is the approval of minutes from November
2 24, 2009. We have a motion from Councilmember Leventhal. Is there a second?

3
4 COUNCILMEMBER KNAPP:
5 Second.

6
7 COUNCIL PRESIDENT FLOREEN:
8 Second from Councilmember Knapp. Can we raise our hands in support? That would be
9 unanimous. Thank you very much. Next item is the Consent Calendar. Is there a motion
10 for approval?

11
12 COUNCILMEMBER KNAPP:
13 So moved.

14
15 COUNCILMEMBER NAVARRO:
16 Second.

17
18 COUNCIL PRESIDENT FLOREEN:
19 Moved by Councilmember Knapp. Seconded by Councilmember Navarro. Any
20 comments? Councilmember Leventhal.

21
22 COUNCILMEMBER LEVENTHAL:

23 Yeah. Briefly, I received a briefing yesterday on the OLO report that's being released
24 today on the Local Small Business Reserve Program. We'll discuss this in greater detail in
25 the new year. It really isn't working as-- as intended, and we've really got to assemble data
26 in our Department of General Services about all of our procurement and how much of all
27 of our procurement benefits businesses here in Montgomery County. It's an interesting
28 example of how good legislative intention isn't actually working in practice. And so--but
29 what we found-- what OLO found was that 90% of all employers in Montgomery County
30 will meet the expanded definition of a local small business as we amended it earlier this
31 year in response to trying to, you know, assist local businesses in the economy. And so it
32 may be that a 10% set-aside isn't the approach that we need. It may be very simply that
33 we need to assist all Montgomery County businesses to participate in the bidding process,
34 since 90% of businesses in Montgomery County are, in fact, qualified to participate, but a
35 very paltry number, in the hundreds of thousands, are actually getting the benefit. So it'll
36 be--it'll be something that we'll all learn a lot from when we get the briefing, and to be
37 candid with you, I think it shows, you know --as a legislator, I can say, the shortcomings of
38 legislation. Sometimes passing legislation is not necessarily the best approach, and it may
39 be that through a closer working relationship with the Executive branch, we can achieve
40 the goal that we sought. But we'll discuss this further in January.

41
42 COUNCIL PRESIDENT FLOREEN:



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1 Well, thank you very much, Mr. --Councilmember Leventhal. I think this--

2
3 COUNCILMEMBER LEVENTHAL:

4 And while I have the floor, I also--I do want to thank those active citizens who applied for
5 our Grants Advisory Group. I know how much the Council benefits from having
6 knowledgeable individuals who are involved in the community giving us third-party advice,
7 and we're going to continue to make grants, I'm confident, next year, even in a tough
8 budget environment, on the basis of excellence and capability. And those are the criteria
9 that we ought to be using, and I appreciate the help of the Grants Advisory Group in
10 making those recommendations.

11
12 COUNCIL PRESIDENT FLOREEN:

13 Comments very well--well taken. Thank you very much, Councilmember Leventhal.
14 Councilmember Andrews.

15
16 COUNCILMEMBER ANDREWS:

17 Thank you, President Floreen. I wanted to note, as well, the good work that has been
18 done by members of the Grants Advisory Group over the past 3 or 4 years and to thank
19 those 21 people who have agreed to serve this year for doing so. They put a lot of work in
20 over the next 3 months or so--a very intense amount of work-- and we thank them for the
21 commitment that they bring to it and for the good advice that they give us as we make
22 allocations of funding. So their role is very important. And I also want to recognize the
23 good work that's done by Peggy Fitzgerald-Bare, who coordinates the grants process for
24 us. She has been outstanding, as well, so thank you all.

25
26 COUNCIL PRESIDENT FLOREEN:

27 She has, indeed, and we are very, very grateful to that group, as you both pointed out.
28 Councilmember Knapp.

29
30 COUNCILMEMBER KNAPP:

31 Madam President. I appreciate the remarks of my two colleagues. I would just add that at
32 a time when we're looking at difficult fiscal constraints, that I think sometimes there's a
33 perception that grants are kind of this thing we do at the end, and the reality is, we've
34 started, in our affordability process, to identify an amount of resources that we think is
35 important for us to set aside because the important work that many of these nonprofit
36 organizations are doing within our community, and I think as we start to approach our
37 difficult budgeting process for the coming year, we need to try and do something like that
38 sooner than later so that the nonprofit community has some understanding, while we're
39 going to have limited resources, what is out there and what's available to make sure they
40 can continue to do the work that, quite honestly, supplements and complements a lot of
41 the things that we as government are trying to do, because it is critically important,
42 especially as the economy continues to mire along.



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1
2 COUNCIL PRESIDENT FLOREEN:

3 Very well spoken. OK. We have a motion on the floor. Can we have a vote, please? All in
4 favor? That's unanimous. I'm going to take a minute, following Council President Andrews,
5 just to thank and congratulate all those folks who have volunteered to support County
6 activities, including all the members of the Grants Advisory Group; Walter Woods, Jeffrey
7 Bloch, Meena Gowda, and Yosefi Seltzer on the Advisory Committee on Consumer
8 Protection; Kelly Cameron, Suzanne Weiss, Alex Cohen, and Benjamin Wu on the Cable
9 and Communications Advisory Board --Committee; Arquilla Ridgell, Peter Freeman,
10 Ronald MacNab on the Countywide Recreation Advisory Board; Chiquita Arrington,
11 Steven Berry, Vanessa Hall on the Criminal Justice Coordinating Commission; David
12 Kochanski, Andrew Einsmann on the Department of Permitting Services Advisory
13 Committee; Marc Esposito, David Torchinsky on the Friendship Heights Transportation
14 Management District Advisory Committee; Jeffrey Schwartz, David Plummer, Linda
15 Silversmith, Mark Buscaino, Kenneth Ferebee, Don Galloway, and Kevin Smith on the
16 Forest Conservation Advisory Committee; Rose Anuri, Wendy Davis, Shea De Lutis-
17 Smith, Jared Hosid, Patrick Kapust, and Dave Samuelson on the Noise Control Advisory
18 Board; David Rose, Rachel Goldfarb, Marille Herrman, Linda Anderson, Sandra
19 Barnhard, Lisa Fadden, and Virginia Lyons, all on the Victim Services Advisory Board;
20 Soma Datta on the Upcounty Recreation Advisory Board. We're so grateful to all of you for
21 volunteering your time and effort for Montgomery County. With that, we're going to move
22 to the District Council session. First thing is the Zoning Text Amendment, 09-14, Hearing
23 Examiner - Report Dissemination, sponsored by Councilmember Knapp. And,
24 Councilmember Knapp, you'd like to make a comment?

25
26 COUNCILMEMBER KNAPP:

27 Very briefly. Thank you, Madam President. Ms. Trachtenberg has asked to be added as a
28 co-sponsor, and I would just note that as we try to move into a more paperless
29 environment, there are sometimes some laws that prohibit that from actually occurring,
30 and this will give some greater flexibility to the Hearing Examiner to allow for that to occur
31 and hopefully even save us some money in the long run as we're trying to identify
32 additional ways to cut costs. So this is much more an administrative and pro forma
33 activity, but one that we recognize as we try to look for additional cost-cutting measures.

34
35 COUNCIL PRESIDENT FLOREEN:

36 Anything that we can do to reduce expenses, we're on. I'm glad to see Councilmember
37 Trachtenberg joining you. So we have a resolution to establish a public hearing for
38 January 19, 2010, at 1:30 in the afternoon. Councilmember Leventhal has supported that.
39 Is there a second?

40
41 COUNCIL VICE PRESIDENT ERVIN:

42 Second.



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1
2 COUNCIL PRESIDENT FLOREEN:

3 All in favor? Unanimous. Thank you very much.

4
5 COUNCILMEMBER LEVENTHAL:

6 I'd like to be added as a co-sponsor also.

7
8 COUNCIL PRESIDENT FLOREEN:

9 OK. Mr. Leventhal is added as a co-sponsor. I suspect we all pile on, on this one. Next
10 item on the agenda is... a resolution to approve the abandonment of portions of public
11 alleys within Parking Lot 3 in Silver Spring. This was a matter that the T&E Committee
12 took up the other day, and let me find the packet on this. We have Sherry Kinikin here and
13 Glenn Orlin on this. You have the packet in front of you. The committee recommends
14 approval of this. Nobody here from the County Executive? Guess not. Interesting. We had
15 an interesting conversation in front of the committee on this. I will say, the major source of
16 community concern as identified by the County Executive staff and Miss Kinikin had to do
17 with access by one of the property owners on the block, and we were advised by the
18 Hearing Examiner and by the County Executive that they felt that adequate access would
19 be ensured by the new plan. And so the committee was satisfied that those concerns
20 were addressed. Miss Kinikin, you want to add to my brief comments?

21
22 SHERRY KINIKIN:

23 I don't know that I need to, based on what you've said.

24
25 COUNCIL PRESIDENT FLOREEN:

26 OK. OK. Well, I'll turn to my colleagues. We have Councilmember Ervin.

27
28 COUNCIL VICE PRESIDENT ERVIN:

29 Thank you very much. I appreciate the work done in the T&E Committee on this issue. I
30 just wanted to underscore a point for Councilmembers regarding the East Silver Spring
31 Citizens Association's belief that a lot of what has transpired over the last year and a half
32 has not included community and constituents who live around this area of the CBD. So
33 having said that, I'm going to vote with the committee's recommendation. However, I'm
34 very curious about Council staff recommendations that this application be remanded back
35 to the Department of Transportation. I wanted--wondered if someone could go into a little
36 bit more detail about why Council staff wants to move in that direction.

37
38 SHERRY KINIKIN:

39 It was explained to me that that's appropriate for the referral. Is that what you said?

40
41 DIANE JONES:

42 I never said it was appropriate to remand it back.



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1
2 COUNCIL VICE PRESIDENT ERVIN:
3 OK.

4
5 DIANE JONES:

6 In fact--and it wouldn't go back to DOT, Mrs. Ervin. It would go back to the County
7 Executive.

8
9 COUNCIL VICE PRESIDENT ERVIN:

10 OK. OK. So was there a misunderstanding here about--

11
12 DIANE JONES:

13 Council staff never spoke with me prior to putting together that package, and we do not
14 agree at all with the package --that there should be a remand. It should not be remanded.
15 We think that the decision was sound. It is an abandonment. There have been a number
16 of issues that have been confused with the abandonment. Disposition of Parking Lot 3 is
17 not part of the abandonment, and private easement interests that pertained to the granting
18 of the easement stay in place --excuse me, the granting of the right of way stay in place.
19 So there's nothing to remand if the alley is not needed for public use, that doesn't impact
20 any private interests that might exist, and that's the only determination to be made here.

21
22 COUNCIL VICE PRESIDENT ERVIN:

23 OK. Very--that was very important. I appreciate you being here and clearing the matter up.
24 Thank you.

25
26 DIANE JONES:

27 This went fast this morning. I ran.

28
29 COUNCIL PRESIDENT FLOREEN:

30 We're going to be--try to be as prompt as we can. Next, Councilmember Leventhal.

31
32 COUNCILMEMBER LEVENTHAL:

33 Well, because there is this letter in the packet from the East Silver Spring Citizens
34 Association, I just wanted to state for the benefit of my colleagues, I'm very familiar with
35 this property at--very close to my home, and I--we had a good discussion in the T&E
36 Committee about this, and I think that the--I think that the concerns of at least one
37 property owner and tenant, who is actually the only property owner and tenant now
38 objecting among the multiple parcels that would be affected, is really, to be honest with
39 you, more about feelings than about the substance. I don't believe that what's going to
40 occur will be injurious to this tenant's business. The tenant is called the Thai Market. It's
41 right across from the Safeway. I think it's on Bonifant Street, and access to the Thai
42 Market will be preserved. What has been occurring is that the Thai Market has been



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1 loading and unloading in a space in which it isn't legally authorized to load and unload.
2 Although it has been doing it for a long period of time and there has been no enforcement,
3 it isn't actually in compliance with the law now, and what the redesign of the alleyway will
4 permit--it will still permit loading and unloading in a way that is legal and that is authorized
5 on private property. So the Studio Plaza development is something that the Silver Spring
6 Redevelopment Office has been seeking to bring about for quite some time. It will be a
7 substantial enhancement to Fenton Village. It is not a high rise. It's a low rise. It's going to
8 provide retail, shopping, and housing opportunities, with a very substantial affordable
9 housing component--30%--much in excess of what would ordinarily be the MPDU
10 requirement. So although I am sensitive to the feelings of the Thai Market --I've shopped
11 there myself. It's a very nice market. As I told the committee, my wife enjoys lemongrass
12 tea. It's a digestive aid, and we buy our lemongrass there at the Thai Market and will
13 continue to patronize it, and I believe it can continue to succeed and thrive even after
14 Studio Plaza is constructed. But in the meantime, in the middle area of Silver Spring, we
15 all know that when you look at Ellsworth and the corner of Georgia and Colesville, there's
16 a lot of activity in Silver Spring, and then the revitalization sort of peters out when you
17 begin going south of Wayne Avenue. The Studio Village proposal is consistent with the
18 long-range plan that the Silver Spring Redevelopment Office has been working on for a
19 long time. And again, I'm very confident --I've looked at this very carefully--that the
20 abandonment of these alleyways will still permit access for all of the residents--all of the
21 tenants, all of the businesses that are operating there, although I do understand the
22 feelings that are involved. I'm sure that communication with the community could have
23 been handled in a more diplomatic manner and in a more inclusive manner. I wish that
24 had occurred, but regardless, I do think that the abandonment that's before us now is the
25 right approach.

26
27 COUNCIL PRESIDENT FLOREEN:

28 Thank you, Councilmember Leventhal. Councilmember Elrich.

29
30 COUNCILMEMBER ELRICH:

31 I spent a lot of time looking at this, as well, and going out on site and actually trying to
32 figure out what's being proposed and how the impacts would actually be, and I've reached
33 the conclusion that the--that Park and Planning's proposal adequately addresses the
34 concerns of the property owners that remain, I think, somewhat uncomfortable with--with
35 the abandonment. It's--it's clear that they will--they will be able to maintain the functions
36 that they currently have in-- in the altered plans for the development, and I could not see,
37 you know, in the long term, a negative impact on this. I think that the community's
38 concerns about the process may well be legitimate. Maybe we need to think about how
39 we go through these redevelopments in neighborhoods and at what point the community
40 gets engaged in the process. But that's not sufficient reason not to approve this. I did want
41 to offer some-- like a minor amendment to this and have talked with Mr. Orlin about it. Did
42 you make copies of that? OK. I didn't have a--OK. So, basically, I want--and I've reduced it



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1 to what I think is--addresses your concerns about the indemnification, which I think is an
2 open-ended problem. If the Council will bear with me to just listen to the language and if
3 it's--if we're all amendable. It just says that for the affected and adjacent properties, the
4 applicant must provide:

5 A, a loading dock adjacent to the public alley that will remain on the west side of the
6 Kalivas building; B, a pedestrian entrance adjacent to the loading dock; C, reconstruction
7 of the southeast corner of the building so as to enclose the portion of the Kalivas property
8 that will no longer be accessible when Studio Plaza is constructed; D, 3 surface parking
9 spaces and a trash receptacle adjacent to the remaining public alley; and D, adjacent to
10 the building; E, compliance with Project Plan approval condition two. And that addresses
11 all the affected properties. It's only the conditions in Park and Planning, and I was asked
12 by the attorney for the folks who have objected to this to at least reiterate the conditions
13 that Park and Planning placed in their approval in our resolution, and I thought that, you
14 know, there would be no harm in our reiterating the conditions, since Park and Planning
15 has said this is what they're going to base approval of the site plan on anyway.

16
17 COUNCIL VICE PRESIDENT ERVIN:

18 Is that a motion, Councilmember Elrich?

19
20 COUNCILMEMBER ELRICH:

21 That's a motion.

22
23 COUNCIL VICE PRESIDENT ERVIN:

24 Well, if that's a motion, I would second the motion.

25
26 COUNCIL PRESIDENT FLOREEN:

27 OK. There's a motion to--I'm not even sure that--I've never seen--had an abandonment
28 where we had these kind of conditions. I suspect we could technically do that. Is that
29 correct?

30
31 GLENN ORLIN:

32 Yeah.

33
34 COUNCIL PRESIDENT FLOREEN:

35 Yes. Our lawyer--Mr. Orlin.

36
37 GLENN ORLIN:

38 I'm not a lawyer, but you can put conditions on an abandonment, yes.

39
40 COUNCIL PRESIDENT FLOREEN:

41 OK. So they--may I ask a question, Councilmember Elrich? Are those the conditions of the
42 Planning Board? What are those conditions?



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1
2 COUNCILMEMBER ELRICH:

3 Those are number--yeah, go ahead.
4

5 BOB DALRYMPLE:

6 Good morning. Bob Dalrymple, Linowes and Blocher, on behalf of the petitioner in this
7 matter. The condition number two to the Project Plan resolution states all of the scenarios
8 for all of the property owners in this block, and it includes options that have the
9 cooperation of the adjacent owners, and it includes options that if they are not wanting--
10 are not amenable to physical improvements being done by Mr. Hillerson on their property,
11 it provides the options that also address issues of access and ingress and egress. So I'm
12 a little concerned with --with a condition here that would be viewed as limiting condition
13 number two to the Project Plan resolution, because that's the one that globally speaks to
14 all of it and includes all the scenarios. I think what was--if I understood what was read in, I
15 think you did reference condition two at the end.
16

17 COUNCILMEMBER ELRICH:

18 Yes.
19

20 BOB DALRYMPLE:

21 But there were certain things at the beginning of it that might conflict with the total breadth
22 of condition number two. So I don't know--if you just --if you're going to impose this as an
23 additional condition or an amendment to a condition, it should just say "compliance with
24 condition number two of the Project Plan resolution."
25

26 BOB HILLERSON:

27 Bob Hillerson--
28

29 COUNCIL PRESIDENT FLOREEN:

30 Excuse me. We haven't asked you a question.
31

32 COUNCILMEMBER ELRICH:

33 I'd like --
34

35 COUNCIL PRESIDENT FLOREEN:

36 "Compliance with condition two of the Project Plan."
37

38 COUNCILMEMBER ELRICH:

39 Right, which I believe included all--
40

41 COUNCIL PRESIDENT FLOREEN:

42 Would that satisfy that concern?



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1
2 COUNCILMEMBER ELRICH:
3 That includes all these things.

4
5 GLENN ORLIN?????:
6 Not really.

7
8 COUNCILMEMBER ELRICH:
9 This includes the cooperation and non-cooperation scenario in condition two.

10
11 BOB DALRYMPLE:
12 But if I understood--and I don't have it in front of me, what you read in, but some of the
13 things that you read at the beginning of that might conflict with total condition two. I'm just
14 concerned with it getting to the Planning Board and them saying, "Well, did the Council
15 resolution intend to limit condition number two?"

16
17 COUNCILMEMBER ELRICH:
18 I hear what you're saying. Would it be just easier to say "compliance with condition
19 number two"?

20
21 COUNCIL PRESIDENT FLOREEN:
22 I think that would be--

23
24 COUNCILMEMBER ELRICH:
25 That would--that's fine.

26
27 COUNCIL PRESIDENT FLOREEN:
28 I think that would be clear and allow for the Planning Board to exercise its responsibilities
29 in a way that's consistent. The point is, you want to say these are important to the Council
30 and...OK. Now we have the County speaking on this. Yes. Miss Schwartz-Jones.

31
32 DIANE SCHWARTZ-JONES:
33 Thank you, Madam Chairwoman. The Hearing--

34
35 COUNCILMEMBER LEVENTHAL:
36 We're discussing an amendment that Councilmembers don't have in front of us.

37
38 COUNCIL PRESIDENT FLOREEN:
39 Well...do you have a written version of that?

40
41 COUNCILMEMBER ELRICH:
42 I had a written version.



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2 COUNCILMEMBER LEVENTHAL:

3 If I could make a suggestion--I think what Mr.

4 Elrich is proposing is very close to being broadly acceptable, and maybe, Madam
5 President, before we vote on it, if Mr. Elrich could provide copies to the petitioner and to
6 Miss Schwartz-Jones and to Councilmembers, and maybe we

7 could just defer this item for 10 minutes so that everyone could--I think we're very close to
8 agreement on language, but Councilmembers--we're raising our hands and voting on
9 something that we aren't able to read. So could--could we perhaps defer the vote on this
10 amendment for 10 minutes?

11
12 COUNCIL PRESIDENT FLOREEN:

13 Let's do this. Councilmember Elrich, I think, is supportive of this direction. Why don't we
14 ask that this be written out so we know exactly what the language would be? We have
15 several people lined up to comment on this, so during that period, let's see if you could get
16 that done, Mr. Elrich. Thank you very much. And we will return to that. Councilmember
17 Berliner.

18
19 DIANE SCHWARTZ-JONES:

20 May I just--

21
22 COUNCIL PRESIDENT FLOREEN:

23 OK. Miss Schwartz-Jones.

24
25 DIANE SCHWARTZ-JONES:

26 Mrs. Floreen, it might be helpful if I just point out that the Hearing Examiner's report
27 actually recommended, and the draft resolution that was submitted says in item number 3,
28 that "the areas of abandonment must be consistent with the approved Project Plan and
29 record plat(s)." And so we can add to that "including item two," if that would be helpful just
30 to capture the point that Mr. Elrich was trying to get to.

31
32 COUNCILMEMBER ELRICH:

33 If you think that's simpler.

34
35 COUNCIL PRESIDENT FLOREEN:

36 That would be a simpler way of saying the same thing, which is on circle 3. Is that correct?

37
38
39 GLENN ORLIN:

40 Circle 3, number 3 --action. Yes.

41
42 COUNCIL PRESIDENT FLOREEN:



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1 And where would you insert that? You'd say, "The areas of abandonment must be
2 consistent with the approved Project Plan and record plat(s), including..."

3
4 DIANE SCHWARTZ-JONES:
5 Including condition two.

6
7 COUNCIL PRESIDENT FLOREEN:
8 Including condition two of the Project...

9
10 DIANE SCHWARTZ-JONES:
11 Of the Project Plan resolution.

12
13 COUNCIL PRESIDENT FLOREEN:
14 So to nail that. I think that's your intention --emphasizing that. OK. I think that's sufficient
15 clarity on that. Thank you, Miss Schwartz-Jones.

16
17 COUNCILMEMBER ELRICH:
18 Is the petitioner--is the petitioner comfortable with that?

19
20 BOB DALRYMPLE:
21 Yes. Thank you.

22
23 COUNCIL PRESIDENT FLOREEN:
24 OK. Councilmember Berliner.

25
26 COUNCILMEMBER BERLINER:
27 I was simply going to observe that the reason why I had concluded that this was
28 appropriate action for us was that, in fact, the site plan--at site plan, it is a requirement that
29 these issues be worked out to the satisfaction of all. It is a requirement in the site plan. So
30 if the Council believes that it is necessary to amend the abandonment to do that which is
31 already a requirement, I need to understand if we're doing anything inappropriate as a
32 matter of law, but the reason why I felt that we could go forward is that everything
33 everybody has asked for is already required. So I don't--I just don't understand why we're
34 amending it in this way. With the greatest respect, maybe it's boots--

35
36 COUNCILMEMBER ELRICH:
37 Just to reinforce.

38
39 COUNCILMEMBER BERLINER:
40 Just to reinforce. OK. Belts and suspenders, yes. Belts and suspenders. OK. I do think
41 we'd be better served by having legal counsel with respect to whether or not there's any
42 dangers in doing so, but I'm OK with it.



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2 COUNCIL PRESIDENT FLOREEN:
3 OK. Thank you. Councilmember Ervin.

4
5 COUNCIL VICE PRESIDENT ERVIN:
6 No. I'm done.

7
8 COUNCIL PRESIDENT FLOREEN:
9 You're done. All right. Well, then we have an action proposal recommended by the
10 committee--

11
12 COUNCILMEMBER BERLINER:
13 Madam Chair, if I could, just for a quick second --a clarification, because the issue arose
14 as to whether or not the committee's action was to suggest that this matter be remanded,
15 and I had not--

16
17 COUNCIL PRESIDENT FLOREEN:
18 No, no. We did not recommend that.

19
20 COUNCILMEMBER BERLINER:
21 The committee's action before us does not recommend that.

22
23 COUNCIL VICE PRESIDENT ERVIN:
24 The staff recommended it.

25
26 COUNCIL PRESIDENT FLOREEN:
27 It was just the staff. OK. So what we have before us is an action for approval of the
28 abandonment of portions of public alleys within Parking Lot number 3 in Silver Spring.
29 After some discussion, we-- there has been a motion, I believe, with consent of the
30 movers to add additional language to action item number 3 here, which would add the
31 language "including condition two of the Project Plan resolution," as suggested by County
32 and understood and accepted by the applicant. So I think that's the amended committee
33 motion. All in favor, please signify by raising your hand. That's Councilmember Navarro,
34 Councilmember Elrich, Councilmember Trachtenberg, Councilmember Berliner,
35 Councilmember Leventhal, Councilmember Andrews, Councilmember Knapp, and
36 Councilmember Ervin, and Councilmember Floreen. That's unanimous. Thank you very
37 much. Next, we have--where is Miss Dennis? Here you are. The resolution to approve
38 Dedicated but Unmaintained County Roads Policy. We should call this the Peggy Dennis
39 Policy. She has been advocating for bringing the County's attention to this matter for many
40 years, and the County--the Transportation Environment Committee took this up on
41 Monday and recommends approval of this policy. There have been some considerable
42 conversations between the community and staff, and we are indebted to County DOT



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1 staff, particularly Bruce Johnston, for helping us reach resolution. And I am told that Miss
2 Dennis' cookies played a significant role. So the County--the committee recommends
3 approval of this policy. Mr. Orlin, you want to just hit the high points for the Council?
4

5 GLENN ORLIN:

6 Well, sure. I just want to hit the amendments that the committee made to the original
7 policy that was sent over by the Executive, and which now the Executive also worked with
8 us, has agreed with. The first is on page 3 of the packet. The--what had been
9 recommended as the concurrence percentage for the affected property owners was 67%.
10 The committee recommended that it be lowered to 60%, which is the same as the Noise
11 Wall Policy, and the Executive concurs with that. So that would be one amendment. And
12 in the middle of page 3, one of the scoring factors is the percentage of property owners in
13 support, and that was amended to reflect the 60%. The second change is the--if there is
14 an occasion where-- for an improvement on one of these roads to be made and requires
15 some additional right-of-way, whether it's fee simple or an easement, that that be included
16 in the price of the overall cost of the project and that be allocated amongst the affected
17 property owners, rather than requiring that the property owner him- or herself dedicate the
18 project-- the property before the project could go forward, as in the case of the Noise Wall
19 Policy. We didn't want to have a case where one property owner could say, "No, I don't
20 want it to happen, because I'm not going to give up my land." And the third change is
21 having to do with public subsidy. The original proposal would have 100% of the costs of
22 these projects paid for ultimately by the property owners that are affected. The--the
23 discussion in committee is that there ought to be at least some public contribution to this,
24 albeit probably small, and the department came back with the idea, which the committee
25 accepted, which was that the planning, design, and supervision costs of each of these
26 projects would be paid for by, effectively, the general taxpayer, but no more than 10% of
27 the cost of the entire project. So if, on a small project, let's say the total cost with planning,
28 design, supervision, and construction were--making up a number now--\$200,000 and that
29 the planning, design, and supervision were \$25,000, then the taxpayers would be paying
30 \$20,000, and the additional \$5,000 would be worked into the overall cost that's--would be
31 allocated amongst the affected property owners. Those are the 3 changes the committee
32 made to what the Executive sent over. If you'd like Bruce to spend a couple of minutes
33 giving more background about what the policy is, he can, but I know you're sort of short on
34 time today.
35

36 COUNCIL PRESIDENT FLOREEN:

37 We have a few minutes. We can't begin the public hearing until 11:30, correct? So we--
38 why don't you take a minute, Mr. Johnston?
39

40 BRUCE JOHNSTON:

41 Very good. Bruce Johnston, DOT. I'd like to acknowledge the involvement of Peggy
42 Dennis in the preparation of this policy and our--the Stakeholder Workgroup that came



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1 together to draft it. This deals with roadways that have been dedicated and offered to the
2 public but not improved to public standards and therefore not accepted by the County into
3 our maintenance system. And the dilemma therein is that the taxpayers and the people
4 that live along the roads don't have those County services, and basically, these are
5 typically gravel roads that are not maintained by the County. The policy sets forth 3
6 approaches to dealing with these if the homeowners want to do anything about it. Status
7 quo is certainly OK, and they can go on--continue on as--as dedicated but unmaintained
8 roads as they are, but if they want to do something to get those roads into the County
9 system, there are 3 approaches. The first approach is that the homeowners can get
10 together as a group and improve the road to something less than County standards, and
11 they can continue to maintain them themselves. It's called the Self Build/Self Maintain
12 approach, and that basically provides that these roads will become private roads. They
13 would not ultimately go into the County system. They would continue to be maintained by
14 the homeowners, and therefore, they could be improved to a lesser standard at a lesser
15 cost. The second approach is the Self Build/County Maintain approach, and in this
16 approach, the homeowners again get together, and they act as a developer would in
17 developing a subdivision. They build the road themselves with a permit from Department
18 of Permitting Services in accordance with a County standard that is a little bit less than we
19 would anticipate for a brand-new road. And then, once it's built in accordance with that
20 standard, the County would accept and maintain the road into its roadway system. The
21 third approach, which is the one where a petition is required and where County funds
22 would be utilized to build the road, they would petition the County to do a study on the
23 road. The DOT would perform a study of the topography, all of the issues related to the
24 roadway design and construction, come up with a cost estimate, and that roadway would
25 compete, just like in the Noise Wall policy, with other projects for County funding. The
26 County funding would be General Obligation bonds, I would presume, to begin with. The
27 County would design and build the road that--that competes, that prevails in the
28 competition, and the homeowners would repay the cost, less the 10% or the planning,
29 design, and supervision cost, as appropriate, through a special assessment over a 20-
30 year period. And in that regard, once that road is built and constructed to County
31 standards, then, again, it would be accepted into the roadway system. And for that third
32 approach, there is a scoring system set forth in the policy. Once this policy is approved
33 and adopted, then DOT will send out notices to all the affected property owners that we
34 are aware of, advising them of the policy. The policy states that we will have a number of
35 public hearings--public meetings to advise property owners of their rights and abilities
36 under this policy. And then we will be accepting petitions, and I would anticipate that we
37 will have one fairly quickly from Fawcett Road. And then we would be evaluating those
38 roads, and we would also probably--we would need to have a CIP project in order to
39 prepare the--to study the roadways that are submitted to the design and construction. And
40 that would be very similar to the Noise Wall Policy. So that's a brief overview, and I'd be
41 happy to answer any questions.
42



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1 COUNCIL PRESIDENT FLOREEN:

2 Thank you very much. We've got a comment and question from Councilmember Berliner.

4 COUNCILMEMBER BERLINER:

5 Just to observe, as I know Ms. Dennis appreciates, that the concern is that these
6 modifications aren't quite sufficient. They move in the right direction, and that's important.
7 Moving in the right direction is important. Ms. Dennis has a different vision as to how we
8 can go about doing this, and that vision is something that requires a lot more time and a
9 lot more thought and perhaps some legislation as well as some legal analysis. And so we
10 are--the committee is certainly recommending going forward with these incremental
11 improvements; at the same time, recognizing that we will take a good hard look at this
12 larger public/private partnership that has been proposed by Ms. Dennis to see if that is
13 workable and legal and affordable.

15 COUNCIL PRESIDENT FLOREEN:

16 Thank you very much. And with that, we have a committee recommendation on the table.
17 So we have a motion. All those in favor of the motion, raise your hands. That would be
18 Councilmember Navarro, Councilmember Elrich, Councilmember Trachtenberg,
19 Councilmember Berliner, Councilmember Leventhal, Councilmember Andrews,
20 Councilmember Knapp, Councilmember Ervin, and myself--unanimous. Thank you very
21 much. Thank you very much. Go forth and prosper. And finally, the cliffhanger of the after-
22 -of the morning-- we need to wait 5 more minutes? OK. We need to wait 5 more minutes,
23 so we'll take a 5-minute break. That's the--next item is-- we have two witnesses, so if
24 people could just stick around for 4 more minutes. Thanks. OK, folks. Good morning,
25 ladies and gentlemen. This is a public hearing on a supplemental appropriation to the
26 County government's Fiscal Year '10 Operating Budget for the Department of Health and
27 Human Services in the amount of \$450,000 for Positive Youth Development - the Up
28 County Youth Opportunity Center. Action is scheduled immediately following this hearing,
29 and we have two speakers. We have Susan Payne and Margaret Montuori. So come on
30 down. Miss Payne, I see you. Miss Montuori? Come on down. Just have a seat. Press
31 your button there. Yeah. So the--there you go. The light will go--there you go. Thank you.

33 SUSAN PAYNE:

34 Good morning. Congratulations to Miss Floreen on her election to Council President.
35 Congratulations to Miss Ervin for Vice President. I don't have any prepared testimony, and
36 I apologize for that. It has been busy, and this issue really is something that came to my
37 attention a little bit late. I would--I'm here today to testify and ask you not to appropriate
38 these funds. My understanding is if you appropriate these funds, you'll get matching funds
39 from the federal government, but I would ask you to be very cautious about appropriating--
40 no? You don't? So it would just be 450,000?

42 COUNCIL PRESIDENT FLOREEN:



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1 It's a federal grant.

2
3 SUSAN PAYNE:

4 So what you're doing--so there would be no County money involved in this? All right. Well,
5 I still would be against it. I still am against it in these trying economic times, and I want to
6 tell you why. And I think people who know me know that I've been on one side of the
7 immigration issue, and although I still feel that way in--in a large extent, I have been
8 working very successfully with Candace Kattar of Identity, and we're trying to form an
9 alliance where we can find community issues that we all can agree on, no matter how you
10 feel about immigration-- that we all live in the County, we all want it to be safe, and we
11 don't want our County to be trashed on the radio or the TV or the newspaper. So there are
12 certain issues. We're planning to testify in Annapolis on truth in sentencing issues and
13 things like that that will make our community safer. Having said that, I'm very concerned
14 about the gang issue in the up county. If you've listened to the radio or read the paper, we
15 have gangs on the rise. It's not in decline. And I'm concerned about opening something
16 like this that caters to 16- to 22-year-olds which may very well be known gang members
17 which may give them an opportunity to recruit

18 younger members. What's been an eye-opening thing to me, since I'm not involved in the
19 public schools, is that the gangs are at a very young age, and they go into MCPS--they go
20 into the public schools--and that has been a real eye-opener to me. I don't think the
21 community wants it up there, from people that I have talked to, and I don't--and I couldn't
22 find any police officers that felt good about it. And there have been other anti --quote, anti-
23 gang youth

24 organizations in this County, and quite frankly, there are active investigations into people
25 who frequent those things and then leave them in the afternoon and go and commit
26 crimes. There's active investigations now, one in particular where cars were being broken
27 into in Flower Hill and GPSes were being stolen. And so, what--what the taxpayers are
28 concerned about is that when we're in a budgetary--and I know this-- you're saying it's all
29 federal money, but when we're in a budgetary climate where we are cutting the police
30 budget and we're taking police officers off the street, I have a lot of problems justifying
31 money going into something like this, and I would urge the Council to look at it really
32 carefully and understand that people are hurting out there, and it's very hard to justify
33 putting in --I mean, these are not my words, but people in the community have called it "a
34 rec center for gang members." And I don't think it's a good idea to start appropriating
35 funds like that, particularly in the up county. I think there's enough resources. In fact, when
36 I went through the County's noncompetitive awards, they were so long, my printer ran out
37 of ink. So I--

38
39 COUNCIL PRESIDENT FLOREEN:

40 You're going to have to--

41
42 SUSAN PAYNE:



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1 All right. I would like to ask you to think about it, think of the ramifications--in particular,
2 with HOC now buying the Rothbury or Roxbury apartment complex, and understand that
3 the community at large, what I call the non-hyphenated community, is feeling very left out
4 about these decisions and feeling that maybe money should be appropriated in a different
5 way. But I thank you for the opportunity to speak.

6
7 COUNCIL PRESIDENT FLOREEN:

8 Thank you, Miss Payne.

9
10 SUSAN PAYNE:

11 Wish everyone a Merry Christmas.

12
13 COUNCIL PRESIDENT FLOREEN:

14 And the same to you. Miss Yao, do you want to--I think that concludes the public hearing.
15 I do not see Margaret Montuori.

16
17 SUSAN PAYNE:

18 I don't know her.

19
20 COUNCIL PRESIDENT FLOREEN:

21 Miss Yao, do you want to describe this grant? We don't have anyone here from --does the
22 department want to come up and describe the grant? And excuse me. Councilmember
23 Knapp, did you have a question for Miss Payne? Oh, OK.

24
25 KATE GARVEY:

26 My name is Kate Garvey. I'm the chief of Children Youth and Family Services, and this
27 grant is the result of an earmark, a federal earmark from the federal government. It's for
28 \$450,000 to establish a Youth Opportunity Center in the up county area, and as the --the
29 Youth Opportunity Center in the down county, it will be a comprehensive center looking at
30 the mental health needs, the employment needs, the education needs, and the positive
31 youth development opportunities for youth in the up county area. There has been a long
32 conversation about the lack of services that are available in the up county area, and this is
33 to respond to those.

34
35 COUNCIL PRESIDENT FLOREEN:

36 OK. Thank you very much. We've got Councilmember Knapp, Councilmember
37 Trachtenberg, and then Councilmember Ervin and Councilmember Elrich. So we'll get
38 going here.

39
40 COUNCILMEMBER KNAPP:

41 Thank you, Madam President. This is an extension of programs that I know the County
42 has been undertaking to try to increase after-school programs or broader recreational



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1 opportunities for--for youth. We actually, last weekend in Germantown, we were at a
2 ribbon-cutting for a new skate spot, I guess is what we called it. It's not a skate park. It's a
3 skate spot, which was really an interesting collaboration between police and--and the
4 community in which a police officer took his time and sought donations from Wal-Mart and
5 from--had some contributions from MCPS and some others and really constructed, in the
6 police department's parking lot, right across from the Germantown Transit Center, a skate
7 spot that is already being fairly heavily used by our youth-- although probably not in the
8 snow. And it was--but it was an interesting concept of community policing and providing
9 opportunities for our youth. This, I think, is an extension of that. The challenge we have is
10 obviously one of fiscal issues. It's about \$225,000 a year for the next two years--not a
11 huge sum of money. It requires, I understand, some --an entity to respond to an RFP that
12 presumably already has programming or has space in order to be able to best use the
13 resources efficiently. And then we do get to the question that Miss Payne actually raised,
14 which is, then what? And we don't know what happens. Our fiscal picture isn't great,
15 looking out even 3 years. And so the question is, is there enough here for an entity that is
16 already doing something to expand existing programming? Probably, but it does create an
17 expectation that, after two years, then what? And I think we need to be mindful of that.
18 And I guess the other challenge is, because of the issuance of the RFP, it almost has to--
19 and the sum of money, it almost has to go to an organization that's probably already
20 providing services that this will help supplement those existing services, because I'm not
21 sure how some new entity could respond and be able to do that much for \$225,000. And
22 so I think it's well intended. I appreciate the efforts of the Executive branch to try to secure
23 the resources. I think we need to continue to watch this and kind of see where it plugs in
24 because I don't know how this ultimately ends up working and fitting well within what we
25 want to try and do for the longer range. And so that's just a challenge that we have.

26
27 KATE GARVEY:

28 May I--may I add that we have submitted--we have another earmark request in, in the
29 amount of \$250,000. It has passed through the House, but we have not seen movement
30 on the Senate side, but that is for--to add to the \$450,000. And we also--the department
31 will be seeking out additional funds continually to try to add to this and to sustain the
32 project.

33
34 COUNCILMEMBER KNAPP:

35 Well, and if you could, just--what's the timing on the RFP? I know you've issued--you're
36 going to issue it.

37
38 KATE GARVEY:

39 It has not been issued yet. We hope to have it in this month or early January.

40
41 COUNCILMEMBER KNAPP:



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1 Could you just keep us posted as to when people respond and kind of-- I'd just be curious
2 to see what kind of programming just because I--in--unlike other parts of the County,
3 there's not--there are not a lot of, kind of, organizations set up to do this well in the up
4 county, and so I'd just be curious to see who responded and just try and get a sense of
5 what the next steps will likely be.

6
7 COUNCIL PRESIDENT FLOREEN:

8 I-- Miss Payne, we appreciate your contributions, but we're going to move on. Let me
9 know. I think-- Miss Montuori, are you here? Come on up and--you weren't here, and so
10 we started our conversation, but--you can provide your copies to the clerk when you're
11 completed, but if you'd share with us your testimony now.

12
13 MARGARET MONTUORI:

14 Is this on?

15
16 COUNCIL PRESIDENT FLOREEN:

17 Press the button there. There you go.

18
19 MARGARET MONTUORI:

20 Thank you. The Montgomery County Council continues to be out of touch with what
21 Montgomery County citizens really think and want. The subject of illegal immigration
22 constantly comes up in conversations I have with neighbors, friends, families, trades
23 people, and strangers-- unsolicited, I might add. For the past few years, I have attended
24 numerous community, religious, and legislative hearings regarding this subject. The
25 unfortunate and sad experience I walk away with when I leave these meetings or listen to
26 NPR--yes, I am a liberal--or a television broadcast by persons who are pro-illegal
27 immigration is that they are un-American. Why are they un-American? Because they
28 profess that the true American spirit regarding illegal immigration is that of openness.
29 Americans don't want their representatives to pick and choose the laws that they want to
30 enforce. Americans don't want their sovereignty and security jeopardized with open
31 borders and the revolving doors that are our highways, ports, and airports. Americans
32 want to know who their neighbor or co-worker is, who they are hiring, where they came
33 from, and are they here legally. Americans want order, organization, and a merit system
34 as part of immigration reform. This is the consensus of the majority of Americans in one
35 media poll after the next. Therefore, this is the true voice of America. Here in Montgomery
36 County, I have witnessed too many men and women literally in tears over the state of their
37 neighborhoods and schools. My mother-in-law watches suspicious persons run in and out
38 of the house next door to her at all hours with machetes. My girlfriend's neighbor was Miss
39 Meizell, who was left to die in her burning house by the Alvarados. My neighbor Miss
40 Havenstein was murdered by Mr. Garcia-Perlora at age 63. What is wrong? In light of the
41 recent round of the 19 members of the Latin King gang on charges of racketeering and
42 conspiracy, the racketeering charges of 4 members of MS-13 in 2007, and the horrific



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1 gang-related murders in Maryland, your proposal to open a youth center is appalling. Why
2 does Maryland have gangs? We shouldn't. I've heard testimony of foreign-born parents
3 who think that they have the right to stay here, though they entered illegally or overstayed
4 their visas or did not return home from their vacation in the United States. I have heard
5 testimony of foreign-born parents who say they cannot watch their children and teenagers
6 because they are working hard to get better homes and cars. I cannot and should not pay
7 for the decisions of parents who bring children or have children in this country under an
8 illegal status. Americans are paying the consequences. Our schools, healthcare systems -
9 -including the mobile units, clinics, hospitals--our roads and infrastructures, even
10 mortgage lending, are negatively influenced because County, state, and federal
11 legislatures will not enforce the already in-place rules of law and scrutinize who is in this
12 country. Americans are not the ones who are breaking up families who have made these
13 horribly irresponsible decisions. I have listened to one unfortunate story of a foreign-born
14 individual--

15
16 COUNCIL PRESIDENT FLOREEN:

17 Miss Montuori, our timer isn't quite --quite showing for you, but we think you've reached
18 the end of your time, so if you could just wrap up, please.

19
20 MARGARET MONTUORI:

21 Sure. I have just a couple of sentences left. I have listened to one unfortunate story of a
22 foreign-born individual after the next by leaders of organizations such as Candace Kattar
23 of Identity and Gustavo Torres of CASA de Maryland.

24
25 COUNCIL PRESIDENT FLOREEN:

26 You really are going to have to finish.

27
28 MARGARET MONTUORI:

29 While there is plenty of aid in this County, Americans standing in the cold all night to
30 receive medical attention, friends of mine in Maryland Social Services who go out looking
31 for the homeless on cold nights, joblessness, no loans for education, lost retirement
32 savings--

33
34 COUNCIL PRESIDENT FLOREEN:

35 OK. Thank you very much, Mrs. --Miss Montuori. If you could provide the clerk with the
36 rest of your comments. We appreciate that. OK. We're going to return to our conversation,
37 and, Miss Trachtenberg, you're next.

38
39 COUNCILMEMBER TRACHTENBERG:

40 Thank you, Madam President. Two remarks. The first, actually, would be directed to Miss
41 Garvey. You know, the project that we are talking about--the up county Youth Opportunity
42 Center --while we've talked about this for a long time and why it's a necessary community



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1 resource, and one of the things that you outlined in your remarks was the fact that there
2 would be some urgently needed programming available on site --behavioral health
3 programming for youth--and I wondered, Kate, if you could talk a little bit about the unmet
4 needs that are up there right now. We know that we don't have sufficient access for young
5 people--not just around undiagnosed depression, but also around substance issues, and
6 certainly that is one of the main reasons why we were looking at this particular grant and
7 we applied for it. And I wonder if you could also talk about the excellent collaborative effort
8 that has been made in this County in these kinds of Youth Opportunity Centers--the fact
9 that it is a best practice, a model that has been used very successfully in other parts of the
10 country. I think it's really important to provide that context, and if you could do that briefly,
11 I'd appreciate it.

12
13 KATE GARVEY:

14 To start with sort of the last piece, we really have seen that in working with youth who
15 have experienced post-traumatic stress disorder and have been involved in trauma and
16 been the victims of violence, where we see, you know, some of the actions and the
17 choices that they make from there, that without having good behavioral health services,
18 you really are not going to be successful with your interventions. We have long talked
19 about giving youth an opportunity to show their gifts and their strengths, using positive
20 youth development, but it must be matched by intervention, and strong intervention. And
21 we have seen, in other parts of the country, where, you know, this has been a successful
22 model, and the understanding that suppression and arresting youth does not solve the
23 problem. And so we've seen--and there have been studies across the country where there
24 is a focus both on prevention and intervention which includes behavioral health services
25 and other services, where you are seeing a reduction in gang activity and violence among
26 youth in the community. Our current Youth Opportunity Center, we've seen youth who
27 have been previously gang-involved, who have faced incarceration, and we've seen a
28 reduction in their re-arrest and their involvement in violent activity. So we feel strongly
29 that, you know, we are addressing an issue that's clearly here. It's not in question. There
30 are youth who are involved in activities that are not positive for them, not positive for their
31 community, that does not ensure that they will have a successful future, and so we must
32 face it. It's-- you know, it's not a question. So we have an opportunity, having federal
33 dollars. We've had a proven track record with our previous Youth Opportunity Center, and
34 we also have--as you said, strong relationships among very strong nonprofit organizations
35 who are, you know, ready and willing to assist in this work. We have said it's very
36 necessary for it to be a partnership. In our original Youth Opportunity Center, we
37 mandated that the applicants come in through a partnership model, recognizing that no
38 one organization has the ability to do all of these components. We're encouraging this in
39 this next RFP because it is low-- we have fewer dollars. We have to--we have to allow a
40 little bit more flexibility on the part of the nonprofits. But we also do have to, you know,
41 build on the networks of support that we have in the community because we're going to
42 have to use existing resources and pull on them but support them.



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1
2 COUNCILMEMBER TRACHTENBERG:

3 Well, I thank you very much for your remarks this morning. And just a second comment,
4 and a brief one. I would acknowledge the testimony that has been provided this morning
5 by Mrs. Montuori, which is not a positive statement, which is a very negative statement,
6 and I would just like to state for the record that while I certainly appreciate your coming
7 here this morning and expressing your opinion, which you can clearly do freely in this
8 great nation, I am offended by the negative nature of what you said. I do not believe that
9 you speak for the community at large, and I am very struck by the fact that the comments
10 were provided as we adjourn shortly for the holiday season--the holiday season of
11 acceptance and love and brotherhood. So I just want you to know that I don't believe that
12 your comments reflect the general opinion.

13
14 COUNCIL PRESIDENT FLOREEN:

15 OK.

16
17 MARGARET MONTUORI:

18 May I respond to that, please?
19

20 COUNCIL PRESIDENT FLOREEN:

21 No. That was not a question. Thank you. Councilmember Ervin.
22

23 COUNCIL VICE PRESIDENT ERVIN:

24 Thank you very much. It's really great to see you here today, Kate, and I have really
25 appreciated working with you over the last almost--I don't know how long you've been
26 here now. For quite a while--6 years. And we continue to struggle on behalf of all of the
27 youth in our County. No matter where they came from or where they were born, they live
28 here, and many of them are second-generation families. These are not people who just
29 arrived last week. And I just want to say to Councilmember Trachtenberg, thank you again
30 for always speaking up very courageously on behalf of most of the citizens that we
31 represent in Montgomery County, who do not have the views that we heard this morning
32 from the two women who gave us testimony. And as we celebrate International Human
33 Rights Day on the 10th of December, I would just like to say that everyone has a right to a
34 home, a job, and other inalienable rights that we take for granted most often as a nation.
35 And so I want to just say that I will be, once again, very supportive of every effort that this
36 County makes to support young people, no matter who they are, what their last name is,
37 or their address. It is--it is my duty, I think, as an elected official of this County to stand up
38 and do that. We have witnessed, over the past 50 years or more, of this --in this nation,
39 when we rise up to fight injustice. We're just in another round of it right now. So my
40 parents were born here, their parents were born here, but we don't know who they were
41 before that, and so I believe that as a nation of immigrants, we should redouble our efforts
42 on behalf of all of them. And thank you for your continued great work in this regard.



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1
2 COUNCIL PRESIDENT FLOREEN:

3 Thank you, Councilmember Ervin. And Councilmember Elrich.
4

5 COUNCILMEMBER ELRICH:

6 I like the way, Valerie, you framed the last part of that, because I was just--when you said
7 that, I was thinking that my parents were born here. My grandparents were not born here.
8 And there are a lot of us whose grandparents were not born here. That doesn't make us
9 any different than anybody else-- just a little bit older and from a different spot in the world.
10 I just want to say that I, you know--the point of doing youth services isn't just about the
11 youth. It's about the health of the whole community, and that-- that people are concerned
12 about a host of other things, not just the status of people who are here, but the impact of,
13 you know, children on the community, children who struggle with issues, who struggle with
14 abuse, who struggle with any number of things which affect, basically, how they behave,
15 and how they behave affects the rest of us. This isn't just we're doing this for the kids.
16 We're doing this for ourselves, and to the extent that what we do makes this community a
17 stronger, safer, and better community in that it deters youth from engaging in behavior
18 that's not just destructive to them, but which is destructive to all of us, which makes
19 neighborhoods and streets places where people worry about, "Can I go there?" These are
20 reasons why we should be doing this without regard to where people came from and
21 when they arrived. Because none of that changes the fact that if the impacts of these
22 children are negative on the community, it is a community impact. It is not just those
23 children we talk about. I think we spend too much time, you know, worrying on status and
24 about the kids and forget that this is, in fact, a community project, and it's for all of our
25 well-being. I continue to be... concerned is the wrong word, but I just want to make sure
26 that what we do, we coordinate, because this has been an ongoing frustration of mine is
27 that the programs we have aren't always--at least in my opinion--either well coordinated or
28 tied up together. And there have been efforts made, particularly in the Kennedy Cluster
29 Project, to try to make sure that everybody is talking to everybody else. Because on the
30 other side of all this, we don't have any money to burn, and the fact that this is federal
31 money is not an excuse to burn it. And so, you know, my interest is that we really look
32 closely at making sure that we take advantage of all the other providers that are out there
33 and that this isn't just another thing that eventually will not have a grant and will require
34 the County to fund, but this is integrated into the kind of projects we do on an ongoing
35 basis. I love the work you all do. The intentions are absolutely stellar. Sometimes, the
36 structure of government gets in the way of --of optimum delivery, but I think we're working
37 on that, and so I just want to say I'm very supportive of what-- this grant.
38

39 COUNCIL PRESIDENT FLOREEN:

40 Thank you.
41

42 MARGARET MONTUORI:



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1 I'd just like to state for the record that I did not come here to talk about immigration.

2
3 COUNCIL PRESIDENT FLOREEN:

4 Miss Payne, we appreciate your being here.

5
6 MARGARET MONTUORI:

7 I don't want to be lumped into that.

8
9 COUNCIL PRESIDENT FLOREEN:

10 But you're no longer a part of the conversation, so we--

11
12 MARGARET MONTUORI:

13 OK. I just want to make sure that--

14
15 COUNCIL PRESIDENT FLOREEN:

16 So please know that, and if you could turn your mike off. Thank you very much.

17
18 COUNCILMEMBER LEVENTHAL:

19 Point of inquiry, Madam President, point of inquiry. Has the public hearing concluded, and
20 are we now discussing the substance of the supplemental appropriation?

21
22 COUNCIL PRESIDENT FLOREEN:

23 Yes, we are.

24
25 COUNCILMEMBER LEVENTHAL:

26 Perhaps the presiding officer ought to make that clear, and perhaps Councilmembers
27 ought to be clear whether they're asking questions or discussing the supplemental
28 appropriation. If we've concluded the public hearing, perhaps--

29
30 COUNCIL PRESIDENT FLOREEN:

31 The public hearing is indeed concluded. Thank you. OK. Thank you. Next is
32 Councilmember Leventhal, followed by Councilmember Navarro.

33
34 COUNCILMEMBER LEVENTHAL:

35 Great. Well, thanks very much. I wanted to state my strong support for the supplemental
36 appropriation. I want to give credit to our members of Congress--Chris Van Hollen and
37 Donna Edwards-- who have been very actively involved with both Montgomery and Prince
38 George's counties and working with the Department of Justice, both through the formula
39 process and through the earmarks process, to assist in getting us these federal resources.
40 I'm serving on the Latino Youth Empowerment Task Force, which Kate Garvey has done
41 an enormous amount of work on, and we had data--excellent survey data, that indicated
42 that of the Latino youth who were encountering feelings of alienation, lack of connection to



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1 the school system, lack of employment opportunities, no participation in extracurricular
2 activities-- overwhelmingly, these young people are legally present in the United States.
3 But there was a clear need for facilities and services that met their needs. I also
4 participated a couple of weeks ago--and again, I congratulate Kate Garvey for her work on
5 this--in a Listening Forum that was sponsored by the Commission on Children and Youth,
6 where we had young people-- teenagers--from around the County, a majority of whom
7 were Caucasian--or perhaps the new term now is non-hyphenated; I'd never heard that
8 before--and what was clear from those young people was that what they were looking for
9 were facilities and opportunities where they could congregate and be involved in peer
10 communication and peer counseling. And as I understand it, that's a major focus of the
11 youth empowerment activity. So based on these very comprehensive efforts that I've been
12 participating in recently, I think that the supplemental appropriation and this new up county
13 center is entirely consistent with what we've been hearing from the young people
14 themselves--that they would like to have in order to be constructively engaged, in order to
15 interact with each other, in a fun and constructive and obviously a nonviolent way. So I
16 want to congratulate you, Kate, for your work on this and also just point out that this is
17 entirely consistent with what we have been hearing from the youth themselves and from
18 the efforts that have been embarked upon to find out, how do we address these feelings
19 of disengagement and alienation that, unfortunately, too many of our young people--white,
20 black, Asian, and Latino--are encountering in the County.

21
22 COUNCIL PRESIDENT FLOREEN:

23 Thank you, Councilmember Leventhal. And Councilmember Navarro, you have the last
24 word.

25
26 COUNCILMEMBER NAVARRO:

27 Well, thank you very much. I also want to express my support for this particular
28 appropriation. I wanted to point out that just yesterday, The Washington "Post" had an
29 excellent story on particularly putting--shining the spotlight on the consequences of not
30 doing what we can to engage our youth. And it was specifically highlighting--it was a
31 Latino couple. They're what they call the second generation, and this is basically what
32 we're seeing here in Montgomery County, is that these are youth who are U.S. citizens
33 and for different reasons, mostly socio-economic, lack of high levels of education, find
34 themselves right now really in --struggling, I think, especially with the economic downturn.
35 And it was very interesting how it was also pointed out that, you know, for the United
36 States as a whole, particularly the issue of Latino youth who are not very well educated--
37 it's a problem because they're going to be such a large percentage of our future
38 workforce. So I think whatever we do to offer positive opportunities for our youth,
39 regardless of who they are, we will definitely be better off, and it does follow a long-term
40 tradition here in the County for us to always work proactively. So I will definitely be in
41 support of this appropriation. And thank you for all the very timely comments as we end



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1 our year here. I think it speaks volumes for who we are in Montgomery County and what
2 we stand for.

3
4 COUNCIL PRESIDENT FLOREEN:

5 Thank you, Councilmember Navarro. As a child of an immigrant myself, I very much value
6 this initiative and am glad to support it. May we have a motion?

7
8 COUNCILMEMBER LEVENTHAL:

9 Move approval, Madam President.

10
11 COUNCIL VICE PRESIDENT ERVIN:

12 Second.

13
14 COUNCIL PRESIDENT FLOREEN:

15 OK. There's a motion from Councilmember Leventhal. Second by Councilmember Ervin.
16 All in favor of the motion, signal by raising your hand. Councilmember Navarro,
17 Councilmember Elrich, Councilmember Trachtenberg, Councilmember Berliner,
18 Councilmember Leventhal, Councilmember Andrews, Councilmember Knapp,
19 Councilmember Ervin, and myself. With that, we--the supplemental appropriation is
20 approved. And let me say on behalf of the County Council and to each of us, we wish you
21 happy holidays, a wonderful new year, and recognize that this is a period of fellowship, it's
22 a period of hope, and it's a period of community, as my colleagues have so eloquently
23 pointed out. Happy holidays. We're adjourned.